

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

THE UNITED STATES OF AMERICA, ex rel., PETER HUESEMAN,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	CIVIL ACTION NO. SA-14-CA-212-XR
PROFESSIONAL COMPOUNDING CENTERS OF AMERICA, INC., and JOHN HOLTZMAN, D.P.M.	§	
	§	
Defendants.	§	

**RELATOR’S VOLUNTARY NOTICE OF DISMISSAL, WITHOUT PREJUDICE,
AS TO CERTAIN CLAIMS AND DEFENDANT ONLY**

TO THE HONORABLE XAVIER RODRIGUEZ,
UNITED STATES DISTRICT JUDGE:

Relator, Peter Hueseman submits this Voluntary Notice of Dismissal, Without Prejudice, as to Certain Claims and Defendant Only under Federal Rule of Civil Procedure 41(a)(1)(A)(i), as follows:

1. On March 10, 2014, Peter Hueseman, Relator, filed this *qui tam* action on his behalf and on behalf of the United States against numerous defendants alleging violations of the Federal False Claims Act (FCA).

2. On August 30, 2021, the United States filed its Notice of Election notifying the Court of its election to (i) intervene in part of this action as to a remaining defendant,

Professional Compounding Centers of America, Inc. (PCCA), and (ii) decline to intervene in this action as to all claims against the other remaining defendant, John Holtzman. ECF No. 64. All other defendants were previously dismissed from this action pursuant to a settlement and stipulation of dismissal.

3. On November 1, 2021, the United States filed its Complaint in Partial Intervention against PCCA to recover treble damages and civil penalties under the FCA, and under the federal common law theories of payment by mistake, unjust enrichment, and common law fraud, for losses sustained by TRICARE, the federal health care program for active-duty military personnel, retirees, and dependents. ECF No. 66. That same day the United States filed a Motion to Unseal its Complaint in Intervention. ECF No. 67.

4. Neither of the remaining defendants has served an answer or a motion for summary judgment.

5. Relator wishes to dismiss, without prejudice, all claims against defendant John Holtzman, and the claims against PCCA except for the claims against PCCA to recover treble damages, civil penalties, reasonable expenses, attorneys' fees, and costs, under the FCA for losses sustained by TRICARE.

6. Counsel for the Relator have conferred with counsel for the United States and have been authorized to represent to the Court that the United States consents to the voluntary dismissals.

7. The action remains pending as to the claims against PCCA under the FCA for losses sustained by TRICARE.

Relator requests that the Court take notice of his Voluntary Notice of Dismissal, Without Prejudice, as to Certain Claims and Defendant Only.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2022, a true copy of the foregoing Voluntary Notice of Dismissal, Without Prejudice, as to Certain Claims and Defendant Only was served by email on the following counsel:

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/s/ Rand J. Riklin

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